

CHARTER FOR THE CITY OF BEAVERTON

To provide for the government of the City of Beaverton, Washington County, Oregon, and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect.

Be it enacted by the people of the City of Beaverton, Washington County, Oregon:

Chapter I NAME AND BOUNDARIES

Section 1. **TITLE OF ENACTMENT.** This enactment may be referred to as the Beaverton Charter of 1981.

Section 2. **NAME.** The City of Beaverton, Washington County, Oregon, shall continue to be a municipal corporation, with the name, "CITY OF BEAVERTON".

Section 3. **BOUNDARIES.** The boundaries of the City of Beaverton shall remain the same as existed on the effective date of this act or as hereafter increased or decreased pursuant to law. There shall be maintained and available for public inspection at the repository of city records at least two copies of this charter containing an accurate, up-to-date description of the boundaries.

Chapter II POWERS

Section 4. **POWERS OF THE CITY.** The city shall have all powers, which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. **CONSTRUCTION OF CHARTER.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers, which the city would have if the particular power were not mentioned. This charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and the municipal home rule provisions of the state constitution.

Chapter III FORM OF GOVERNMENT

Section 6. **WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. **THE COUNCIL.** The council shall be composed of five councilors elected at large to serve a four-year term. If this charter is adopted, the councilors in office at the time of the effective date of this charter shall continue in office, each until the end of the councilor's term of office as fixed by the charter of the city in effect at the time this charter is adopted. Following adoption of this charter the four councilors in office at the time this charter is effective shall appoint the fifth councilor who shall serve from the effective date of this charter until a successor, elected to a four year term at the 1982 biennial November general election, takes office.

Section 8. **MAYOR.** The mayor shall be elected at the regular biennial general November election every four years for a term of four years to begin on the first day of January following the election, but the mayor in office at the time this charter is effective shall continue in office until December 31, 1984, and until a successor is elected and qualified.

Section 9. **OTHER OFFICERS.**

A. The council, by majority vote of the entire council, shall appoint and may remove a municipal judge, city attorney and an auditor for the city.

B. The mayor shall appoint and may remove an assistant to the mayor and such other officers, as the mayor deems necessary. The assistant to the mayor is the principal managerial aide to the mayor and shall perform such duties as may be assigned by the mayor.

Section 10. **SALARIES.** Except that the salary for the mayor shall not be set at less than eighty percent (80%) of the salary of a District Court Judge for the State of Oregon, compensation for the services of city officers and employees shall be fixed as the council may direct.

Section 11. **QUALIFICATION OF ELECTIVE OFFICERS.** No person may fill an elective office of the city unless at the time of the election or appointment the person is a qualified elector of the state and has resided continuously in the city during the six months immediately preceding the election or appointment. A person, after taking office, must remain a resident of the city and qualified elector of the state in order to continue to hold the office. The council is the final

judge of the qualifications and election of its own members.

Chapter IV THE COUNCIL

Section 12. **MEETINGS.** The council shall hold a regular meeting at least once each month in the city at a time and at a place, which it designates. It shall adopt rules for the government of its proceedings. The mayor or two or more members of the council may call special meetings of the council in a manner prescribed by general ordinance adopted by the council.

Section 13. **QUORUM.** A majority of the incumbent members of the council shall constitute a quorum to do business, but a smaller number may meet and compel attendance of the absent members in a manner provided by ordinance. Every member of the council who is present shall be counted for the purpose of constituting a quorum, even if the member does not vote on one or more issues.

Section 14. **RECORD OF PROCEEDINGS.** The council shall keep a record of its proceedings and the ayes and nays upon a question before it shall be taken and entered in the record.

Section 15. **PROCEEDINGS TO BE PUBLIC.** Except as state law may provide otherwise, the deliberations and proceedings of the council and other deliberative bodies of the city shall be public.

Section 16. **MAYOR'S FUNCTION AT COUNCIL MEETINGS**
The mayor shall preside at council meetings. Except in case of a tie, the mayor shall not vote on matters before the council. In case of a tie, the mayor shall cast the deciding vote. The mayor shall preserve order, enforce the rules of the council and determine the order of business under the rules of the council.

Section 17. **PRESIDENT OF THE COUNCIL.** At its first meeting after this charter takes effect and thereafter at its first meeting of each succeeding year, the council shall elect a president from its membership. Except as otherwise provided in this charter, when the mayor is absent from the city or unable for any reason to function as mayor, the president shall:

- A. Preside at council meetings;
- B. Have a vote on all questions before the council, except that he or she shall not possess or exercise the mayor's vote to break a tie as set forth in section 16 of this charter; and

C. Possess, with the exception of the veto power vested in the mayor by section 35 of this charter and the powers of the mayor pro tem provided in section 20 of this charter, the legal powers and be subject to the legal limitations incident to the office of mayor.

Section 18. Except as otherwise provided in this charter, the concurrence of a majority of the members of the council present who vote is necessary to determine a question before the council.

Chapter V

POWERS AND DUTIES OF CITY OFFICERS

Section 19. **MAYOR.** Except as provided to the contrary in this charter, the mayor is the executive and administrative head of the government of the city. In exercising this power the mayor shall:

A. Devote his entire time to the discharge of his official duties and, except when circumstances necessitate otherwise, attend all meetings of the council;

B. At the beginning of each calendar year, and may at other times, report to the council as to the affairs and needs of the city and recommend legislation the mayor considers necessary and desirable;

C. Appoint the committees provided by the rules of the council; appoint and remove all members of boards or commissions, subject to confirmation by the council; and, except as provided to the contrary in this charter, appoint and remove other appointive officers and employees; subject to the further requirements that:

1. An appointment or removal made by the mayor to any board or commission does not take effect unless a majority of the members of the entire council confirm the appointment or removal or the council fails to act upon appointment or removal within fifteen (15) calendar days after the council's notice of the mayor's action; and

2. Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the city;

D. Have, with the exception of the council, city attorney, city auditor or over the judicial activities of the municipal judge, general supervision or control over appointive city officers and employees and their work with power to transfer an employee from one department to another, to the end of obtaining the utmost efficiency in each of them;

E. Sign all records of proceedings approved by the council and all authorized writings;

F. See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;

G. Act as the purchasing agent for all departments of the city under his supervision and control;

H. Prepare and submit to the budget committee the annual budget estimates and such reports as that body requests;

I. Supervise the operation of all public utilities owned or operated by the city and have general supervision over all city property.

Section 20. OTHER MAYOR-RELATED PROVISIONS.

A. Mayor Pro Tem. Except as provided to the contrary by this charter, whenever the mayor is absent from the city, is unable to act as mayor, or whenever the office becomes vacant, the assistant to the mayor shall act as mayor pro tem and possess the administrative powers and duties of the mayor. Although the mayor pro tem shall not preside at council meetings, vote on questions before it, nor possess a veto, the mayor pro tem is entitled to sit with the council and take part in all council discussions. No mayor pro tem, however, may appoint or remove a city officer or employee except with the approval of a majority of the entire council.

B. Ineligible Persons. The mayor may not appoint or employ with the city his or her spouse nor any person related to him or her by consanguinity or affinity within the third degree.

Section 21. OTHER CITY OFFICERS.

A. Municipal Judge. The municipal judge is a judicial officer of the city and at all times shall be admitted to practice law in the State of Oregon. There shall be a municipal court of the City of Beaverton, Washington County, Oregon. The council, by intergovernmental agreement, may have some or all of the duties and responsibilities of the municipal judge or the functions of the municipal court performed by and through a branch of the state judicial system. The court shall be open for the transaction of business at times specified by the council. All area within the city is within the territorial jurisdiction of the court. The municipal judge has jurisdiction over all infractions and offenses, whether civil or criminal in nature, defined and made punishable by ordinances of the city and over all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. The municipal judge may issue process for the arrest of any person accused of an offense against the city, commit any such person to jail or admit such person to bail pending trial, issue subpoenas, compel witnesses to appear and testify in any cause before the court, compel obedience to such subpoenas, issue any process necessary to carry into effect the judgments of the court, and punish for contempt of court. Except as otherwise provided by

ordinances or this charter all proceedings in the municipal court shall be governed by the applicable general laws of the state governing district courts.

B. City Attorney. The city attorney shall at all times be admitted to practice law in the State of Oregon.

C. Auditor. The auditor shall at all times be licensed to practice as an auditor under the state municipal audit law. The auditor shall perform the annual audit and examination required by the state municipal audit law and such other audit duties as may be designated by the council.

Chapter VI ELECTIONS

Section 22. **REGULAR CITY ELECTIONS.** Regular city elections shall be held at the same time and places as biennial elections for electing state and county officers, in accordance with applicable state election laws. At each regular city election all elective officers to be nominated or elected and all matters submitted to the electors at that time shall be voted upon.

Section 23. **SPECIAL ELECTIONS.** The council, by resolution, may call and provide the time, manner and means for holding a special election. Notice of such special election shall be given at least ten (10) days prior to the election in the manner provided by the action of the council ordering the election.

Section 24. **QUALIFICATIONS OF ELECTORS.** Every person who is a resident of the city and who qualifies as a legal voter under state law may vote in city elections.

Section 25. **CANVASS OF ELECTION RETURNS.** In all elections held in conjunction with state and county elections the state law governing the filing and canvassing of returns shall apply. The results of each election shall be entered in the record of the council. The record shall state the number of votes cast for and against each measure, the names of the officers elected, and the measures enacted or approved. In the event of a tie vote for candidates the election of a successful candidate shall be determined by a public drawing of lots.

Section 26. **CERTIFICATE OF ELECTION.** Immediately after completion of the canvass the city elections officer shall issue a certificate of election to each person elected. The certificate shall be prima facie evidence of the facts which it states.

Section 27. **COMMENCEMENT OF TERMS OF OFFICE.** The term of office of a person elected at a November general biennial election shall commence on the first day of January following the election.

Section 28. **OATH OF OFFICER.** Each officer, upon entering office, shall take an oath or affirm that he or she will support the constitutions and laws of the United States and of Oregon and the charter and ordinances of the City, and that he or she will perform the duties of the office to the best of his or her ability.

Section 29. **NOMINATIONS, NUMBERED COUNCIL POSITIONS AND NONPARTISAN PRIMARY AND GENERAL ELECTIONS.**

A. Nominations. The name of any elector qualified for elective office as provided in Section 11 of this charter may be placed on the primary ballot for an elective office of the city. The name of such an elector shall be submitted to the county clerk to be printed upon the city ballot whenever a petition containing said candidate's nomination, written acceptance and signatures of not fewer than ten (10) nor more than twenty (20) qualified electors has been filed with the city elections officer. Said petition shall be in a form to be prescribed by the city council.

B. Primary Elections. A non-partisan primary election shall be held in each even numbered year, or as hereafter provided by the constitution or general laws of Oregon regulating state partisan primary elections, and on the day and month fixed for such state partisan primary elections.

C. Numbered Council Positions. The nomination of mayor and councilors shall be non-partisan and shall be made in conformity with methods hereinafter provided. Council positions shall be numbered in consecutive order. Each councilor shall be designated by the same position as the councilor whom he or she has succeeded or will succeed in office. In all proceedings for the nominations of candidates for the office of councilor, every petition for nomination, nominee's acceptance and certificate of election, ballot or other document used in connection with nominations for councilors shall state the official number of the position as councilor to which such candidate aspires. His or her name shall appear on the ballot only for such designated position. At all elections each such office of councilor to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon. In case no nomination is made at the primary election, nominations may be made for the general election by position in the

same manner as herein set forth for primary elections. An incumbent councilor may not file for nomination for or election to any councilor position except the one he or she presently fills.

D. Limited Filing. A candidate may not file for more than one numbered position in any one year nor can a candidate file for another council position in the same year after withdrawing the original filing.

E. Majority of Votes Required. In all primary elections the two persons having the highest number of votes to any municipal office shall be deemed nominated for the run-off election for that office unless one candidate receives a majority of all votes cast at said primary election, in which event that person alone shall be deemed to have been nominated. If two persons have been nominated for any office and the nomination of one of those persons is disqualified for any reason, then the person receiving the third highest number of votes at the primary election for that office shall be deemed nominated for the run-off election for that office to replace the person who was disqualified.

Section 30. **VOTER'S PAMPHLET.**

A. All candidacies and measures submitted to the voters of the city in a primary, special, or general election shall be publicized by voter's pamphlet, in accordance with city ordinance. No voter's pamphlet shall be prepared for any election for which no city measures are submitted to the voters and not more than one person has filed or been nominated for any city office.

B. If the council finds that there was a material misstatement of fact published in the city voter's pamphlet which was submitted by or in behalf of a person nominated or elected to the council, the nomination or election of that person is nullified.

Section 31. **WRITE-IN VOTES.** The ability of the voters of the city to nominate or elect a candidate by write-in vote shall be provided on all ballots.

Chapter VII VACANCIES IN OFFICE

Section 32. **VACANCIES IN OFFICE.**

A. An office becomes vacant:

1. Upon the incumbent's death; adjudicated incompetence; conviction of a crime pertaining to the office or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office;

2. Upon the failure of the person elected or appointed to the office to qualify therefore within ten (10) days after the time for the term of office to

commence; or

3. In the case of a councilor, upon that person's absence from meetings of the council held within any consecutive sixty (60) days period without the consent of the council, and upon a declaration by the council of the vacancy.

B. Upon request of a majority of the members of the council, the municipal judge shall determine and find in writing whether under the provisions of this section a vacancy exists in the office of mayor.

Section 33. FILLING OF VACANCIES IN ELECTIVE OFFICES.

Vacancies shall be filled as follows:

A. If less than one year remains in the term of the person who held that vacant office, the vacancy shall be filled by majority vote of the remaining members of the council. The appointee shall serve the unexpired term of the predecessor to the office; or

B. If one year or more remains in the term of the person who held the vacant office or if the office is not filled and no person takes office under Section 27 of this charter for any reason, the vacancy shall be filled at a special election called and provided for by resolution of the council. The resolution of the council shall provide that the person:

1. Shall be elected at the first election date that meets all requirements of state and city election laws;

2. Shall serve the unexpired term of office of the predecessor to the office, or if no person has taken office, then the remaining term of office;

3. Is required to receive a majority of the votes cast for candidates for the office at the election at which the office is filled; if no candidate receives a majority at the first election, then a run-off election shall be held between the two candidates receiving the highest number of votes at the first state election date available thereafter; and

4. Shall serve until a successor to the office is duly elected and qualified therefore.

**Chapter VIII
ORDINANCES**

Section 34. ORDAINING CLAUSE. The adopting clause of all ordinances hereafter adopted shall be, "The City of Beaverton Ordains as Follows:".

Section 35. MODE OF ADOPTION; ATTESTATION AND APPROVAL; VETO; OVERRIDING OF VETO.

A. Mode of Adoption.

1. Except as provided to the contrary in

subsections 2., 3., and 4. of this section, every ordinance of the council, before being finally adopted, shall be read fully and distinctly in open council meeting on two different days, provided that the second reading must be at least six days after the first reading.

2. Both readings may be by title only by unanimous vote of all councilors present and voting on the question, provided that, prior to first reading, a copy of the ordinance is provided for each councilor and three copies are filed for public inspection at the repository for city records.

3. An ordinance adopted after being read by title alone has no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being adopted by the council.

4. An ordinance may be adopted at a single meeting of the council by unanimous vote of all councilors present and voting on the question upon being first read in full and then by title.

B. Attestation and Approval. Upon adoption of an ordinance by the council, the keeper of the record of proceedings shall endorse it with the date of council adoption, the attester's name and title of office. Thereafter the ordinance shall be delivered to the mayor by personally serving a duplicate original upon the mayor as soon as practicable. The mayor within ten (10) days of the date of actual receipt of the ordinance, shall return it to the keeper of the record of proceedings with or without the mayor's approval, or with a veto.

C. Veto. The mayor may veto an ordinance or other legislative enactment adopted by the council by endorsing the duplicate original as such and attaching a written statement to it explaining the reasons for the veto. If the ordinance is returned without approval or veto, the ordinance shall have legal effect as if approved.

D. Overriding of Veto. At the next regular meeting of the council after the mayor returns an ordinance vetoed, the council shall consider the ordinance and may adopt the ordinance over the veto of the mayor by a four-fifths (4/5ths) vote of all members of the council, and the ordinance then takes effect in accordance with Section 36 of this charter.

Section 36. **WHEN ORDINANCES TAKE EFFECT.** An ordinance takes effect thirty (30) days after its adoption by the council and approval by the mayor or passage over the mayor's veto. When the council deems it advisable, an ordinance may provide a later time for it to take effect. In the event of any emergency, where the

reasons for the emergency have been expressly stated, an ordinance may take effect immediately upon its adoption by the council and approval by the mayor or passage over a veto, or at any other designated time within thirty (30) days thereof.

Chapter IX PUBLIC IMPROVEMENTS

Section 37. **CONDEMNATION.** The necessity for taking property by condemnation shall be determined by the council and declared by a resolution describing the property and stating the use to which it is to be devoted.

Section 38. **PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.** The procedures for making, altering, vacating or abandoning a public improvement, and levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property, shall be governed by ordinance or, to the extent not so governed, by the applicable state laws. Action on any proposed public improvement, except a water or sewer improvement declared by the council to be needed at once because of an emergency, shall be abandoned and not reinitiated for six (6) months upon a remonstrance thereto by the owners of land which bears sixty percent (60%) of the estimated assessed cost of the improvement. In this section "owner" means the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser is deemed the "owner."

Section 39. **BIDS FOR PUBLIC CONTRACTS.** As defined and except as otherwise provided, governed or exempted by ordinance, any public contract in excess of \$5,000.00 may be let only to the lowest responsible bidder.

Chapter X MISCELLANEOUS PROVISIONS

Section 40. LIMITATION ON INDEBTEDNESS.

A. **Voluntary Floating Indebtedness.** Except by consent of a majority of the voters at an election, the city's voluntary floating indebtedness shall not exceed \$25,000.00 at any one time. For purposes of calculating the limitation, the legally authorized debt in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this

limitation shall be jointly and severally liable for the excess.

B. Bonded Indebtedness. Except as authorized by state law, the city shall not issue and sell general obligation or revenue bonds unless authorized by the consent of a majority of the voters at an election.

Section 41. **EXISTING ORDINANCES CONTINUED.** All ordinances and other enactments of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 42. **INITIATIVE AND REFERENDUM.** The Initiative and Referendum powers, which are reserved to the qualified voters of each municipality, shall be exercised under Article IV, Section 1(5) of the Oregon Constitution.

Section 43. **ZONE CHANGE NOTICE.** Before initially hearing any proposed quasi-judicial amendment to the zoning map (hereafter "zone change") pursuant to the Zoning Ordinance of the City of Beaverton, the council, or any board, commission or person delegated by the council to conduct the initial evidentiary hearing, shall cause the owners of record of the real property which is the subject of the proposed zone change to be notified of the date, time and place of the initial hearing. The notice shall be in writing, sent by certified mail, postmarked at least thirty (30) days before the date of the initial hearing, and shall inform the property owner of the right to testify for or against the proposed zone change.

Section 44. **LIMITATION OF POWERS OF THE GOVERNING BODY OF THE CITY OF BEAVERTON IN REGARDS TO URBAN RENEWAL.**

Section 1. Nothing in this proposed Charter Amendment shall be interpreted to preclude the completion of the previously adopted traffic projects designated as "urban renewal projects" financed by property taxes:

- (1) Hall Blvd. - Watson Street Couplet - South
- (2) Extension of Fifth Street from Lombard Avenue under Expressway to connect with Fifth Street at Maple Avenue
- (3) Center Street Improvement
- (4) Farmington Road Upgrading
- (5) Watson Street Extension - North
- (6) Grade Separation - Beaverton Hillsdale Highway and Farmington Road
- (7) Progressive Signalization
- (8) 117th Avenue Improvement

Section 2. The Governing Body of the City of Beaverton shall not approve any change in the Urban Renewal Plan or Project involving new or proposed projects unless approved by a majority of the registered voters in the City of Beaverton at a November general election. Further, all proposed urban renewal projects for land not held in the public domain (privately owned land) at the time the project is submitted must be approved by a majority of the registered voters in the City Beaverton at a November general election.

Section 3. The Governing Body of the City of Beaverton may not create any urban renewal agency or housing authority that receives or spends property tax in whole or part, or issue tax increment bonds unless there has been a vote at a November general election indicating that a majority of the voters concur in the need for urban renewal and the issuance of tax increment bonds.

Effective upon passage of this amendment, the Governing Body of the City of Beaverton may not properly resolve under ORS 457.130 that there is a need for an urban renewal agency nor that any urban renewal agency may exercise powers within the City of Beaverton unless the question of whether there are blighted or deteriorated areas within Beaverton which are impairing economic values and tax revenues have been voted upon by the electorate at a November general election. If by majority vote, the voters determine that there is a need for an urban renewal agency within the Beaverton City limits, the Governing Body of the City of Beaverton may create such an agency. Any such declaration or resolution by the Governing Body of the City of Beaverton absent a majority vote by the electorate is automatically void.

Section 4. Any urban renewal plan proposed or adopted by an urban renewal agency in the City of Beaverton shall:

(1) State which, and when, private property, if any, within the urban renewal areas of the plan will or will not be permanently taken for public use and returned; or not return, to the property tax rolls.

(2) State a completion date for each project, including when retirement of indebtedness will occur.

(3) If an urban renewal agency is created pursuant to this Charter Amendment, the Beaverton City Council must disclose to each taxpayer on his property tax statement the amount of property tax imposed on his property for urban renewal.

Section 5. The effective date of Sections 1 and 2

above is April 18, 1979 so as to activate completion of the previously adopted and funded traffic projects designated as "urban renewal" projects as of said date.

All other Sections become effective immediately when passed by the voters.

All provisions of this amendment apply to the other sections, if this charter amendment is incorporated in the city charter, it may not be severed, separated, or changed by any action of the Mayor or Beaverton City Council.

This proposed Charter Amendment must be on the ballot of the general election in May 1980.

Section 45. **REPEAL OF PREVIOUSLY ENACTED PROVISIONS.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 46. **TIME OF EFFECT OF CHARTER.** This charter shall take effect January 2, 1981.